

**CITY OF DEXTER  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
Monday, July 18, 2022  
7:00 pm**

**AGENDA**

**A. CALL TO ORDER**

The meeting was called to order at 7:07 pm.

**B. ROLL CALL:**

K. Becker                      C. Hill                      S. Arab                      P. Mekas

Absent: Wallaker

Also Present: Michelle Aniol, Community Development Manager and Grace Whitney, Associate Planner

**C. APPROVAL OF MINUTES**

1. June 20, 2022 Meeting Minutes

Moved Becker; seconded Arab to approve the June 20, 2022 meeting minutes as presented.

Ayes: Hill, Arab, Becker, Mekas

Nays: None

Absent: Wallaker

Motion carries

**D. APPROVAL OF THE AGENDA**

Moved Hill; seconded Becker to approve the agenda as presented

Ayes: Hill, Arab, Becker, Mekas

Nays: None

Absent: Wallaker

Motion carries

**E. STAFF REPORT**

There was no staff report

**F. SITE INSPECTION (CONDUCT ON OWN)**

**G. CONFLICT OF INTEREST/EX PARTE DISCLOSURE**

None presented

**H. PUBLIC HEARINGS**

1. **AP2022.23-01 ZBA 3215 Boulder Ct.** Public hearing to consider the following variance request:

**Applicant:** Mr. William Fox on behalf of the property owners

**Request:** 8.6-foot variance from the 25-foot rear yard setback required in Section 20.01 of the City of Dexter Zoning Ordinance.

Ms. Whitney presented the case to the ZBA and summarized her review findings. She read written comments provided to the ZBA by Shawn Keough and Holly and Brad Eisele in support of the proposed variance.

Mr. Mekas asked staff to clarify when and why the City of Dexter began requiring a variance application to meet all six of the criteria listed.

Ms. Aniol provided information about the changes made to the zoning ordinance to require all six criteria to be met and stated that it took some time to be seen in the meetings because there were no variance requests.

Mr. Fox and the homeowners, Elen and Dacy Stevens addressed the ZBA and explained the reasoning for requesting a variance. There is not much space that could be used to build a deck while meeting the setbacks. The homeowners desire a deck as they age as it will be easier to access than the current concrete patio. The applicant stated the decision to build the deck as proposed was partially based on an effort to not disturb the existing concrete patio as to limit the environmental impact.

The public hearing was opened at 7:22 pm.

Mr. Willaim Foster at 3214 Glacier Ct. stated that he did not have any objection to the requested variance but asked for a definition of a setback.

Mr. Mekas provided information about the required setbacks.

The public hearing was closed at 7:24 pm.

Mrs. Stevens, the property owner, wished to add that the current concrete patio is cracking and that she believes a new deck will be much more pleasant for their neighbors to look at.

Mr. Hill stated that this case presents an obvious difficulty of site dimensions and the variance request seems reasonable.

Mr. Mekas agreed with Mr. Hill's statement and added that an irregular lot shape is acceptable grounds to grant a variance. He clarified that the difference between a deck and a patio is that a deck is considered a structure.

Moved Hill; seconded Becker:

Based on the information provided by the applicant and staff at the July 18, 2022 Zoning Board of Appeals meeting, the Board determines that application, AP2022-23-01 ZBA: Rear Yard Setback Variance Request, submitted by William Fox, for property located at 3215 Boulder Ct (08-03-31-310-076), **MEETS** the criteria required for the considering a variance request, pursuant to Section 24.06, sub-section A.

Therefore, let it be resolved the Zoning Board of Appeals **GRANTS** the following variances from Section 20.01:

1. 8.6-foot variance from the required 25-foot rear yard setback for the deck.

Let it further be resolved, a 16.4-foot rear yard setback, shall be **PERMITTED**, in order for the applicant to construct a deck.

The determination was made based on the following findings, per Section 24.06(A), of the City of Dexter Zoning Ordinance (list criteria):

1. The standard of Practical Difficulties is met due to the irregular pie shape of the lot that prevents the house from being located closer to the front of the lot and reduces the usable space in the backyard.
2. The standard of Substantial Justice is met and a lesser variance would not provide substantial justice,
3. There are no concerns regarding Public Safety and Welfare.
4. The standard of Extraordinary Circumstances is met because the shape of the lot was not of the owner or applicant's creation
5. The request will not create a safety hazard or nuisance.
6. The request will be consistent with adjacent land uses.

Ayes: Arab, Becker, Hill, Mekas

Nays: None

Absent: Wallaker

Motion carries

#### **I. OTHER BUSINESS**

##### **1. Election of officers**

Moved Becker; Second Mekas to reelect the current slate of officers: Christopher Wallaker, Chair and Phil Mekas, Vice-Chair

Ayes: Hill, Arab, Becker, Mekas

Nays: None

Absent: Wallaker

Motion carries

#### **J. ADJOURNMENT**

Moved Arab support Hill to adjourn the meeting at 7:34 pm.

Unanimous voice vote approval

Respectfully submitted,

Grace Whitney  
Associate Planner

Approved for filing: August 15, 2022